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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

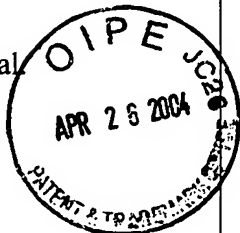
In re Application of:

Stephanopoulos, G. et al.

Serial No: 10/060,048

Filed: January 29, 2002

For: Defining Biological States and  
Related Genes, Proteins and Patterns



Examiner: Mahatan, C.

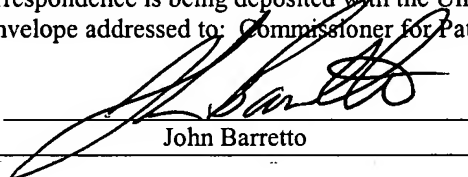
Art Unit: 1631

Attorney Docket No. MTV-036.01

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on April 22, 2004 as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
John Barretto

**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Examiner Mahatan:

In response to the outstanding Restriction Requirement in the above-identified application, mailed March 22, 2004, the Applicants respectfully elect **Invention I**, claims 1-35 and 46-48, drawn to a method, computer product and system for use in the analysis of gene or protein expression information, classified in class 702. However, the Applicants respectfully assert that simultaneous examination of Inventions I, II and III would not place an undue burden on the Examiner because the claims of the three Inventions, while patentably distinct, are all classified in class 702. See MPEP § 803 ("If the search and examination of an entire application can be made without serious burden, the [E]xaminer must examine it on the merits, even though it includes claims to independent or distinct inventions."). Therefore, the Applicants respectfully request that the Examiner modify the instant Restriction Requirement, examining Inventions I, II and III in the instant application.

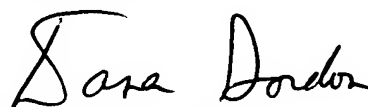
*Fees*

The Applicants believe that no fees are due in connection with the filing of this Response. Nevertheless, the Commissioner is hereby authorized to charge any fees due in connection with the filing of this Response to our Deposit Account, No. 06-1448.

*Conclusion*

The Applicants believe that the pending claims are in condition for allowance. If a telephone conversation with Applicants' Attorney would expedite prosecution of the above-identified application, the Examiner is urged to contact the undersigned.

Respectfully submitted,  
Foley Hoag LLP

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